

PUBLIC NOTICE

M2005-06



**TN DEPT. OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
MINING SECTION
2700 MIDDLEBROOK PIKE SUITE 220
KNOXVILLE TN 37921**

ISSUE DATE 01/27/2006

EXPIRATION DATE 02/27/2005

TO WHOM IT MAY CONCERN: The applications described herein have been submitted for Aquatic Resource Alteration Permits pursuant to *The Tennessee Water Quality Control Act of 1977*, T.C.A. §69-3-108.

The purpose of this notice is to advise all concerned of the proposals for which permits are sought and to solicit comments and information necessary to evaluate the probable impact of the activities upon the respective water resources. The decision whether to issue or deny will in part be based upon that evaluation. All factors that may be relevant to the proposals will be considered.

Persons wishing to comment on or object to the issuance of a proposed permit are invited to submit comments in writing to the address listed above. Written statements received in this office on or before the date of expiration of the comment period, **February 27, 2006**, will become part of the record and will be considered in the determination. The public notice number, applicant's name, permit number and coordinator should be referenced.

Interested persons may also request in writing that the director of the Division hold a public hearing on any application. The request must be filed within the comment period and must indicate the interest of the person requesting it, and the reasons that the hearing is warranted. When there is sufficient public interest, the director shall hold a hearing in accordance with Rule 1200-4-1-.05(3)(G).

After consideration of comments submitted during the public comment period, the hearing record if any, and the requirements of federal and state law, the director of the Division will make determinations regarding the final action on each permit. Permit applications, supporting documentation and related comments are available for review and/or copying.

The public notice includes tentative determinations regarding the issuance, modification, denial or termination of permits for the activities proposed herein.

**DIVISION OF WATER POLLUTION CONTROL
MINING SECTION**

**WATER QUALITY PERMIT
§401 CERTIFICATION/AQUATIC RESOURCE ALTERATION**

PERMIT NUMBER #M2005-06

Permit Application Number: ARAP-#M2005-06

Applicant: Mr. Michael R. Mills, Vice President
Vulcan Construction Materials, LP
Airpark II, Suite B-19
1410 Donelson Pike
Nashville, Tennessee 37122

Location: Bartons Creek tributary to Sinking Creek in Wilson County near Lebanon, Tennessee at 36°08'07" latitude, and 86°18'32" longitude on the Lebanon, Tennessee 7.5 Minute Series (Topographic) USGS Quadrangle.

Background Information: Vulcan Construction Materials, LP submitted an application to mitigate off-site as a replacement of mitigation for ARAP #M2000-01. The #M2000-01 mitigation area failed to maintain adequate hydrology and resource value in the Sinking Creek headwaters. Vulcan Materials made several attempts to seal Sinking Creek at known stream loss sections. In February 2005, Vulcan Construction Materials, LP contacted the Division and formally stated that the mitigation area for Aquatic Resource Alteration Permit #M2001-01 had failed. The #2000-01 permit required the development of 1.68 acres of aquatic habitat and wetland along 1000 linear feet of intermittent stream. Vulcan Construction Materials, LP in their Wilson County quarry operation proposed to expand the existing quarry removing the on-sight mitigation area.

Vulcan submitted a proposal prepared by Griggs and Maloney, Inc.. This off-sight mitigation plan included remedial measures that if properly implemented will provide suitable mitigation for the loss of the wet weather conveyance and intermittent stream. Through monitoring, Vulcan has determined that the original mitigation area failed to maintain appropriate hydrology for ecological function due to the fractured condition of the bedrock in the area. Soil characteristics were not of sufficient quantity and quality to develop hydric characteristics.

Vulcan Construction Materials, LP is proposing to construct and create 6.9 acres of wetland/riparian habitat on the stream terrace of Barton's Creek, a tributary of Sinking Creek. The off-sight mitigation area is located west of the Wilson County Quarry in the headwaters of Barton's Creek. This application included extensive evaluation of site

conditions, including a geotechnical study, soil borings, and hydrology investigations. These studies documented suitability for the development of the stream terrace as a mitigation area. The wetland/riparian habitat will provide remedial mitigation for Aquatic Resource Alteration Permit #M2001-01 within the Sinking Creek watershed.

The Division's review of the permit application has determined that the scope of the project does not meet conditions for coverage under a general permit.

Project Description ARAP-#M2005-06: Vulcan Construction Materials, LP has applied for an Individual Aquatic Resource Alteration Permit for wetland construction and riparian enhancement type activities along approximately 1300 feet of Barton Creek.

- The permit application proposes the construction of approximately 6.9 acres of wetland in the stream terrace of Barton Creek. The stream terrace contains prior converted hydric soils that should develop wetland characteristics once the site is graded to restore the hydrology to maintain sufficient saturation and inundation.
- A 1.4 acres storage basin is to be constructed that collects the runoff from approximately 60 acres. The flow will be metered from the storage basin to the remaining 5.5 acres of constructed wetland at a rate of approximately 9429 ft³ per day. The results of the water balance summary and soil permeability study indicate that the flow rate of 9429 ft³ per day must be delivered to the constructed wetland to obtain saturation for a 14-day period during the growing season.
- The storage basin is designed to have five open channels regulated by physical barriers to deliver water at the required rate to the remainder of the mitigation area. Two of the open channels will remain open with the other channels closed unless needed to maintain the required saturation of the mitigation area.
- The emergency overflow is designed to direct excess flow to Barton Creek during a 50-year, 24-hour precipitation event. The emergency overflow is to be 52 ft wide at the bottom and can accommodate a 234cfs with a stage of 1.54 feet during the design storm event.
- On completion of construction and achievement of final grade the upland areas will be revegetated with an appropriate seed mix. The constructed wetland and riparian areas will also be planted with endemic tree and shrub species at a rate of approximately 400 trees per acre to assure the development of a forested wetland.

Tentative Determination: The Division proposes to issue a conditional permit.

Permit Coordinator: Dave Turner

Mining Section

Division of Water Pollution Control

2700 Middlebrook Pike

Suite 220

Knoxville, TN 37921

Aquatic Resource Alteration Permit Conditions

1. All work shall be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the above application and the limitations, requirements and conditions set forth herein.
2. The construction of the mitigation project must be completed within one year of permit issuance.
 - Vulcan must complete the construction of the Barton's Creek mitigation project prior to any further disturbance in the M#2000-01 mitigation area.
 - Vulcan must contact the Division in writing upon commencement of construction and provide quarterly update reports until project completion.
3. The proposed work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation and irrigation.
4. Activities that result in the alteration to "waters of the state" other than the reaches specified in the approved plans and permit require prior authorization under a separate Aquatic Resource Alteration Permit.
5. A copy of the permit and approved plans must be kept on site during all construction phases of the activity covered.
6. Drainage and erosion controls must be in place prior to commencing construction activities.
7. A written agreement must be obtained from the landowners that precludes surface disturbance such as harvesting of timber in the fifty-foot buffer zones for a minimum of twenty-five years with selective harvesting only in these zones thereafter. A copy of this agreement must be provided to the Division. This will assist in assuring the long-term stability of the reconstructed stream reaches.
8. Monitoring must be implemented for ARAP-#M2005-06. The first two of the following items have been completed and submitted to the Division in this application:
 - Narrative description of pre-project conditions
 - Pre-project site assessment

- Annual narrative description and photos
 - Annual riparian vegetation survey
 - Monthly monitoring for saturation, inundation and site condition reported annually
 - Interim site evaluation at during year three monitoring period
 - Post-project habitat assessment at the end of the required monitoring period
9. A comprehensive post-project report must be submitted to the Division at the conclusion of the five-year monitoring period. The applicant can request release from further monitoring after three years provided it can demonstrate that the restored wetlands are jurisdictional and have met permit conditions.
10. On successful completion of the ARAP the Division will issue a letter of finding that the conditions of the permit have been fulfilled indicating that no further action is required.

State of Tennessee Antidegradation Policy

Tennessee's Antidegradation Statement is found in Chapter *1200-4-3-.06* of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the antidegradation policy is to establish a greater level of protection for those waters that are identified to be of high quality. Some high-quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

Generally, there are two types of high-quality waters. Outstanding National Resource Waters (ONRWs), or Tier 3 waters, are specifically designated by the Water Quality Control Board and are afforded the greatest level of protection. No new discharges or expansion of existing discharges are allowed to result in degradation of the existing water quality.

Other high-quality waters are identified by the Department as Tier 2 waters and are also protected against degradation. Some degradation may be allowed only if the Water Quality Control Board deems it economically and socially necessary. Other surface waters not specifically identified and/or designated as high quality are referred to as Tier 1 waters. Tennessee's Water Quality Standards must be achieved and/or maintained in these waters.

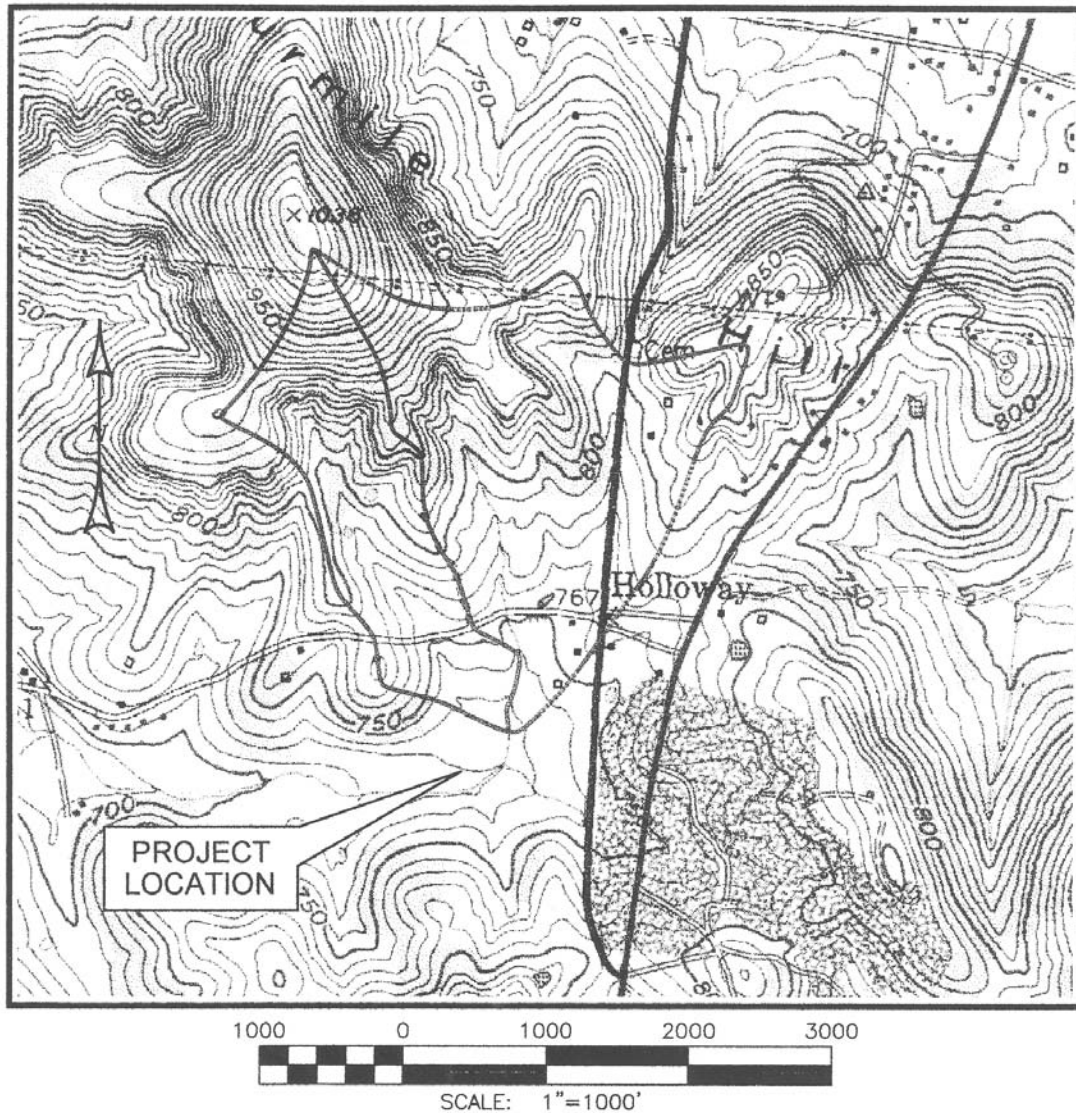
This permit does not obviate requirements of other federal, state or local laws.

The State of Tennessee reserves the right to modify or revoke this permit or to seek modification or revocation should the State determine that the activity results in more than an insignificant violation of applicable water quality criteria or violation of the Act. Failure to comply with permit terms may result in penalty in accordance with § 69-3-115 of the Act.

An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within thirty days after receipt of the permit action. In such petition, each contention should be stated in numbered paragraphs, which describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" by 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with T.C.A. §69-3-110 and 4-5-301 et. seq. Questions concerning this certification should be addressed to Dave Turner at 865-594-5541 or Dan Murray at 865-594-5549.

Paul E. Davis, Director
Division of Water Pollution Control

Date



Taken from: U.S.G.S.
7.5 Minute Series (Topographic)
Lebanon Quadrangle
1951, Photorevised 1983

**GRIGGS & MALONEY
INCORPORATED**
Engineering & Environmental Consulting

P.O. BOX 2968, MURFREESBORO, TN 37133-2968
(615) 895-8221 • FAX (615) 895-0632
FILE NAME: G:\Enviro\Active\112\112-190 Project Location.dwg

Figure 1
Project Location Map
Vulcan Wetlands
Wilson County, Tennessee

Project No. 112-190

June, 2005

Site Location Map

Vulcan Construction Materials, Wilson County Quarry
M2005-06